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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANTIEL CHAVEZ-RAMOS,
a.k.a. "Jose Chavez-Zazuceta,"
a.k.a. "Sagrario Ferrer-Mendoza,"
a.k.a. "Sagrario Mendez-Mendoza,"
a.k.a. "Jose Gaspar-Zazuceta,"

Defendant.

Case No.: 2:20-mj-595-EJY

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Andrew Wong, Assistant Federal Public Defender, counsel for Defendant, SANTIEL CHAVEZ-RAMOS that the Court reschedule the preliminary hearing, which is currently set in this case for November 4, 2020, at 4:00 p.m., for no earlier than 90 days from the date of the filing of this stipulation. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P.

1 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's
2 arrest, *see* 18 U.S.C. § 3161(b).

3 This stipulation is entered into for the following reasons:

4 1. The United States Attorney's Office has developed an early disposition
5 program for immigration cases, authorized by the Attorney General pursuant to the
6 PROTECT ACT of 2003, Pub. L. 108-21.

7 2. The early disposition program for immigration cases is designed to: (1) reduce
8 the number of hearings required in order to dispose of a criminal case; (2) avoid having
9 more cases added to the court's trial calendar, while still discharging the government's duty
10 to prosecute federal crimes; (3) reduce the amount of time between complaint and
11 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
12 indictments in immigration cases, which in turn reduces court costs.

13 3. The government has made a plea offer in this case that requires defendant to
14 waive specific rights and hearings in exchange for "fast-track" downward departure under
15 USSG § 5K3.1. The defense notified undersigned government counsel that the parties have
16 reached a negotiated plea resolution in principle, and defense counsel is waiting for the
17 defendant to execute the plea agreement. However, the plea offer will be withdrawn if an
18 executed plea agreement is not timely returned to the government before this matter is
19 indicted and before a preliminary hearing is held.

20 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
21 preliminary hearing within a reasonable time, but no later than 14 days after the initial
22 appearance if the defendant is in custody"

23 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
24 showing of good cause—taking into account the public interest in the prompt disposition of

1 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
2 times”

3 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
4 information or indictment charging an individual with the commission of an offense shall be
5 filed within thirty days from the date on which such individual was arrested or served with a
6 summons in connection with such charges.”

7 7. Ultimately, if the plea negotiations are unsuccessful, the defendant will need
8 additional time to review the discovery, investigate potential defenses, and finalize
9 preparations for the preliminary hearing.

10 8. Accordingly, the parties jointly request that the Court schedule the
11 preliminary hearing in this case no sooner than 90 days from today’s date.

12 9. Defendant is in custody and agrees to the extension of the 14-day deadline
13 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
14 § 3161(b), provided that the information or indictment is filed on or before the date ordered
15 pursuant to this stipulation .

16 10. The parties agree to the extension of that deadline.

17 11. This extension supports the public interest in the prompt disposition of
18 criminal cases by permitting defendant to consider entering into a plea agreement under the
19 United States Attorney’s Office’s fast-track program for § 1326 defendants.

20 12. Accordingly, the additional time requested by this stipulation is allowed
21 under Federal Rule of Criminal Procedure 5.1(d).

22 13. In addition, the parties stipulate and agree that the time between today and
23 the scheduled preliminary hearing is excludable in computing the time within which the
24 defendant must be indicted and the trial herein must commence pursuant to the Speedy

1 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
2 § 3161(h)(7)(B)(i) and (iv).

3 14. This is the second request for an extension of the deadlines by which to
4 conduct the preliminary hearing and to file an indictment.

5 DATED this 30th day of October, 2020.

6 Respectfully submitted,

7 NICHOLAS A. TRUTANICH
8 United States Attorney

9 /s/ Andrew Wong

10 Assistant Federal Public Defender
11 Counsel for Defendant Chavez-Ramos

/s/ Kimberly M. Frayn

12 KIMBERLY M. FRAYN
13 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

SANTIEL CHAVEZ-RAMOS,
a.k.a. "Jose Chavez-Zazuceta,"
a.k.a. "Sagrario Ferrer-Mendoza,"
a.k.a. "Sagrario Mendez-Mendoza,"
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Defendant.

Case No.: 2:20-mj-595-EJY

**~~Proposed~~ Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on November 4, 2020, at the hour of 4:00 p.m., be vacated and continued to Feb. 2, 2021 at the hour of 4:00 p.m. in Courtroom 3C.

DATED this 30th day of October, 2020.


HONORABLE ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE